

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELISABETH BOEYNAEMS, et al. : CIVIL ACTION
:
v. :
: NO. 10-2326 *K*
LA FITNESS INTERNATIONAL, LLC :

JOSHUA VAUGHN : CIVIL ACTION
:
v. :
LA FITNESS INTERNATIONAL, LLC : NO. 11-2644 *file*

FILED

AUG 18 2011

MICHAEL E. LINZ, Clerk
By _____ Dep. Clerk

ORDER

Presently before this Court are a Motion to Dismiss Plaintiffs' Second Amended Class Action Complaint in Boeynams v. LA Fitness International, LLC, C.A. No. 10-2326, filed on February 28, 2011 (ECF No. 26), and a Motion to Dismiss Plaintiff's Class Action Complaint in Vaughn v. LA Fitness International, LLC, C.A. No. 11-2644, filed on June 14, 2011 (ECF No. 8). Also before the Court is a Motion to Consolidate Cases 2:11-cv-2644 and 2:10-cv-2326, filed by the Plaintiff in Vaughn on May 3, 2011 (ECF No. 2).

AND NOW, on this 18th day of August, 2011, upon consideration of Defendant's Motions to Dismiss, Plaintiffs' responses thereto, and the November 19, 2010 oral argument conducted by this Court on Defendant's prior Motion to Dismiss Plaintiffs' Amended Class Action Complaint in Boeynams (No. 10-2326, ECF No. 9), and for the reasons to be set forth in a subsequent Memorandum., it is hereby ORDERED as follows:

1. Defendant's Motion to Dismiss in Boeynams, C.A. No. 10-2326, as to Plaintiffs Elisabeth Boeynams, Harvey J. Cohen, and Serena L. Cohen is GRANTED with prejudice. All claims by these Plaintiffs are dismissed.

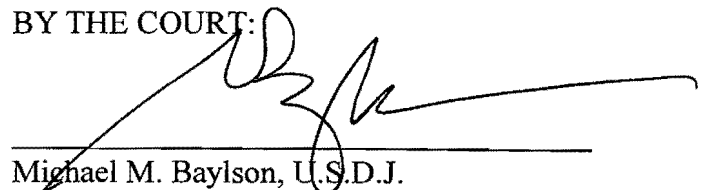
2. Defendant's Motion to Dismiss in Boeynams, C.A. No. 10-2326, as to Kenneth J. Silver is GRANTED in part and DENIED in part. Silver's claims against Defendant for violations of Pennsylvania's Health Club Act and Unfair Trade Practices and Consumer Protection Law (Count II) and unjust enrichment (Count III) are dismissed.

3. Defendant's Motion to Dismiss in Vaughn, C.A. No. 11-2644, is DENIED in part and GRANTED in part. Vaughn's claims against Defendant for violations of Florida's Deceptive and Unfair Trade Practices Act (Count II) and Unjust Enrichment (Count III) are dismissed.

4. Defendant's Motions to Dismiss as to the breach of contract claims brought by Silver and Vaughn are DENIED, but Plaintiffs shall file an amended complaint within 30 days in accordance with the Court's subsequent Memorandum.

Upon consideration of Vaughn's Motion to Consolidate Cases, it is further ORDERED that this Motion is GRANTED. The above-captioned cases are hereby consolidated and C.A. No. 10-2326 will be the lead case. The Clerk shall close C.A. No. 11-2644.

BY THE COURT:



Michael M. Baylson, U.S.D.J.